

DEED / VOCATIONAL REHABILITATION SERVICES
VRS COMMUNITY REHABILITATION PROGRAM ADVISORY COMMITTEE

FRIDAY, MARCH 27, 2015—9:00 AM—3:00 PM

VRS WOODBURY OFFICE / HUDSON CONFERENCE ROOM

SESSION NOTES:

Committee Objective

The purpose of the VRS Community Rehabilitation Program Advisory Committee is to provide strategic advice and consultation to DEED/VRS on topics and issues affecting the mutual provision of DEED/VRS and CRP/LUV services to Minnesotans with disabilities. Our efforts to understand issues and to work collaboratively will build and nurture the capacity of Minnesota's rehabilitation community to advance the employment, independent living and community integration of Minnesotans with disabilities.

Specifically, the VRS Community Rehabilitation Program Advisory Committee will:

- Represent the perspectives and interests of CRP/LUVs in advancing rehabilitation and employment issues while fostering dialogue and engagement on critical issues throughout the greater rehabilitation community
- Promote innovative service practices to accelerate the adoption of best practices at a systems level that fosters equitable access to quality services on a statewide basis
- Provide strategic level advice and consultation to DEED/VRS on matters affecting CRP/LUVs
- Identify key topics and issues affecting CRP/LUVs and DEED/VRS
- Consider input from subject matter experts in issues affecting economic development, state demographics / population trends, and promising practices
- Engage in active reflection, spirited discussion and strategic dialogue on critical topics affecting CRP/LUVs and DEED/VRS services to persons with disabilities in Minnesota
- Provide a forum for the review and discussion of critical VRS and CRP service delivery topics including, but not limited to: current service delivery practices; new and emerging service needs; identifying best practices; and the consideration of statewide service needs and resources

2015 Community Partner Members (listed alphabetically): Heather Deutschlaender, Wendy DeVore, Kelly Dilger, Jeremy Gurney, Josh Howie, Amanda Jensen-Stahl, Dan Meyers, Nick Monson, Julie Peterschick, Robert Reedy and Lynn Vincent

VRS Members: Jay Hancock and Lori Thorpe

Sponsor: Kim Peck, VRS Director

Co-leaders: Chris McVey and Jan Thompson

Facilitator: Holly Johnson

2015 Schedule: Feb 27, Mar 27, Apr 24, May 29, Sep 25, Oct 23, and Dec 4.

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March 27, 2015 Session Objectives:

- * Finalize and approve the 2015 VRS CRP Advisory Committee charter
- * Advisory updates and discussion on major change forces impacting Vocational Rehabilitation Services including the Minnesota Olmstead Plan and the Minnesota Extended Employment (EE) Rule Revision.
- * Provide a conduit for sharing relevant, important and timely updates and information for the benefit of vocational rehabilitation community and consumers

March 27 2015 Attendees (*listed alphabetically*): Heather Deutschlaender, Wendy DeVore, Kelly Dilger, Jeremy Gurney, Jay Hancock, Josh Howie, Amanda Jensen-Stahl, Dan Meyers, Nick Monson, Chris McVey, Julie Peterschick, Robert Reedy, Jan Thompson, Lori Thorpe and Lynn Vincent

Not in attendance: Kim Peck

Guests: John Sherman, David Sherwood-Gabrielson

Facilitator: Holly Johnson

Agenda Topics:

1. Welcome / Overview
2. Finalize and Adopt the 2015 VRS CRP Advisory Committee Charter
3. Advisory Update and Dialogue PART I: The Minnesota Olmstead Plan
 - o *Guest Presenter: David Sherwood-Gabrielson, DEED Olmstead Plan Implementation Director*
4. VR Community Success Story *March Storyteller - Lori Thorpe*
5. Advisory Update and Dialogue PART II: The Minnesota Extended Employment (EE) Rule Revision
 - o *Guest Presenter: John Sherman, DEED Extended Employment Program Director*
6. Vocational Rehabilitation Community Topics
7. Wrap Up/Adjourn @ 3pm

Meeting Highlights:

- The committee finalized and ratified through signatures the 2015 VRS CRP Advisory Committee charter.
- DEED VRS Directors David Sherwood-Gabrielson of the Minnesota Olmstead Plan Implementation and John Sherman of the Extended Employment Program provided strategic updates to the advisory on both topics. The committee asked questions and discussed how these and other significant change forces are impacting Employment Services and Vocational Rehabilitation community in Minnesota.

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Next Steps:

- **DOCUMENT SESSION NOTES:** The facilitator will document the session notes for VRS Co-leadership review and approval for distribution to key audiences including the CRP Advisory Committee, VRS, and CRP/LUV partners.
- **FOLLOWUP INFORMATION FOR COMMITTEE USE AND SHARING:** The facilitator will email the following documents and/or links for information shared during the meeting to the committee members for broader sharing among the vocational rehabilitation community:
 - Presentation entitled '*The Promise of Olmstead, Now the Question: 'To Be or Not To Be' Transformational*' by DEED Olmstead Plan Implementation Director David Sherwood-Gabrielson
 - Link to the Lead Center webinar '*Redefining Home & Community Based Services: CMS Guidance on Non-residential Services and its Implications for Employment*' on LeadCenter.org
 - Document entitled '*Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.*'
 - Presentation entitled '*Where is Extended Employment Heading? Looking Down the Road*' by DEED Extended Employment Program Director John Sherman
 - Link to the posting for an unclassified EE Program position
- **FINALIZE 2015 CRP ADVISORY COMMITTEE CHARTER:** Holly Johnson will finalize the charter document.
- **NEXT MEETING:** Friday, April 24th

Welcome and Opening

The committee opened with a welcome by co-leads Chris McVey and Jan Thompson.

To begin the session, the facilitator asked advisory committee members to share their hopes and expectations related to the strategic advisory updates on both the Olmstead Plan and the Extended Employment Program to give the two presenters a sense of what advisory members were most interested in understanding better. Their responses were:

- **Overall, we would like to better understand the changes related to...**
 - *timelines*
 - *communications on the big pieces like transportation*
 - *language and definitions including: integrated vs. non-integrated settings, integrated employment, competitive employment*
 - *capacity for IPS*

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- *helping SSB with these same changes*
- *trying to understand and organize all the changes in a coherent manner*
- *Supported Employment (SE), DTH and VR contracts... what will the referral process look like?*
- **As it relates to the Olmstead Plan...**
 - *funding order and the 'gray areas'*
 - *WIOA language related to transition*
 - *counties are on 'hold'... how can we minimize the 'backtracking' as the different players impacted move at different rates?*
 - *Transition and IPS*
 - *update on Olmstead Plan and where it's at, what stage is it at and where is it?*
 - *87 counties interpreting things with lots of unknowns*
 - *developing models for counties and the over 400 public school districts in Minnesota (Transition)*
 - *Transition is huge for schools and counties*
 - *IPS is great, how can we get more resources to expand?*
- **As it relates to Extended Employment Program and Rule Revision...**
 - *basic understanding of the EE Rule*
 - *EE Rule revision*

Finalizing the 2015 CRP Advisory Committee Charter

Committee facilitator Holly Johnson reviewed the proposed edits to the draft 2015 VRS CRP Advisory Committee charter which were primarily in the 'Scope: Strategic Topics' section. The five major topics approved for 2015 are as follows:

- 1. Consumer Experience and Informed Choice:**
- 2. Comprehensive Statewide Needs Assessment and VRS/CRPs:**
- 3. Service Delivery and Coordination**
- 4. Collaboration and Partnership:**
- 5. Effective Communication and Support for the Vocational Rehabilitation System in Minnesota:**

The charter provides a concise description of the committee's purpose along with key elements including membership, scope, team process guidelines, roles, communication plan and external dependencies. Each year the committee is asked to review their charter and make any relevant updates and edits prior to signifying their commitment for the year through signatures to the approved charter.

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Holly asked that committee members if there were any questions and receiving none, the advisory committee approved the draft charter with proposed edits. Members then formalized the updated charter by adding their 2015 membership commitment signatures to the final page of the new charter document.

Advisory Update and Dialogue PART I: The Minnesota Olmstead Plan

Chris McVey, VRS Director of Strategic Initiatives and Partnerships introduced David Sherwood-Gabrielson, DEED's Olmstead Plan Implementation Director. David delivered the following presentation "*The Promise of Olmstead, Now The Question: 'To Be or Not to Be' Transformational*". David's presentation was sent out to committee members after the meeting with permission to be shared with colleagues within the CRP community as helpful to promote current understanding and direction. He also provided his contact information as follows:

David Sherwood-Gabrielson, DEED Director of Olmstead Plan Implementation *Minnesota Department of Employment and Economic Development*

1st National Bank Building, 332 Minnesota Street, Suite E200, St. Paul MN 55101

Direct: 651-259-7350 Fax: 651-297-5159 david.sherwood-gabrielson@state.mn.us

David began by providing a high level summary of the actions and timelines the resulted in the development of a Minnesota Olmstead Plan. The Olmstead SubCabinet was created in Executive Order 13-01 to develop and implement a comprehensive Minnesota Olmstead Plan. The Sub-Cabinet is composed of top leaders from eight different state agencies including Department of Human Services, Minnesota Housing Finance Agency, Department of Employment and Economic Development, Department of Transportation, Department of Corrections, Department of Health, Department of Human Rights and the Department of Education. The SubCabinet's draft plan which received provisional approval from the Court on January 9, 2015 has gone through iterations in response to critiques from both the reviewing US District Judge and the appointed Court Monitor to the Minnesota Olmstead Plan.

Judge Donovan Frank has demonstrated a long term commitment to social justice issues. Court Monitor David Ferleger is considered the 'eyes of the court' and has argued a number of cases before the Supreme Court. In his most recent court order, Judge Frank directly challenged the Subcabinet to realign the employment plan more aggressively and to do further work on Plan provisions to address system movement and measures for integrated employment for people with disabilities specifically in the areas of:

1. Expansion of competitive employment
2. Diversion of youth to integrated settings, and
3. Movement from segregated settings to integrated settings

David stated that three state agencies have primary responsibilities for the Employment portion of the Minnesota Olmstead Plan and are mandated to work together as if one agency: the Department of Employment and Economic Development (DEED), the Department of Human Services (DHS) and the Minnesota Department of Education (MDE). David also talked about the

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role of the larger rehabilitation community in the transformation as well as the requirement with the Olmstead Plan that an interagency employment panel be created to align employment policies and funding.

Next David spoke of the clear alignment in direction of the major legislative and policies:

- Americans with Disabilities Act (ADA)
- The Olmstead Plan (developed in response to the Supreme Court Decision)
- The Workforce Innovation and Opportunities Act (WIOA)
- Home and Community Based Services (HCBS) Settings Rule
- The Minnesota Employment First Policy
- The Informed Choice Process outlined by the Department of Justice
- Person-centered Planning

While the amount of concurrent changes is a bit overwhelming he noted that all the directions are supporting the spirit of the Americans with Disabilities Act (1990) and that there appear to be no major conflicting elements to reconcile. Returning focus to the Minnesota Olmstead Plan, David provided the following strategic overview for the advisory:

1. Olmstead is about creating and open choices and opportunities
2. Olmstead is about Employment First; **not** employment only
3. Olmstead is about Informed Choice; **not** forced choice
4. Change is a process and not an event

David said that Olmstead raises a number of questions that impact the greater rehabilitation community such as:

- New and/or additional responsibilities
- Systems changes that will impact everyone
- Current and future services and linkages
- Capability versus Capacity issues
- New service and business models
- Funding and resource challenges

Next David discussed his optimism that even with the tremendous amount of work and change that the Olmstead Plan is directing, that he remains confident that the 'can do' attitude of the Minnesota rehabilitation community will prevail. He shared that he sees promise in potential strategies such as:

- Expanding Placement Partnerships
- Expanding IPS Employment

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- Aligning EE supports with Olmstead
- Providing Services in Integrated Settings
- Providing Training, Technical Assistance, Outreach and Information

He encouraged the vocational rehabilitation community to use the Olmstead Plan and other forces for change to ignite our imagination, creativity and innovation to move the community forward. He said that as leaders with the community, the VRS CRP Advisory Committee has the opportunity to reach out to staff in their organizations as well as with colleagues throughout the state that they have been appointed to the committee to represent to help dispel angst, anxiety, fear or worry. He reminded the advisory that in the study of chaos, that the bigger the change and the larger the challenge - the greater our need to stay connected and work in community.

In conclusion, David offered the following recommendations for next steps to the members of the CRP Advisory Committee:

1. Stay on mission (that's not changing)
2. Keep doing the good work that you do (don't get distracted by all the changes)
3. Stay informed and ask questions
4. DEED/VRS leadership will continue to track the issues and provide information and support along the way
5. A sincere **thank you** for all that you do to make things happen for Minnesotans with disabilities!

VR Community Success Story

Lori Thorpe, VRS RAM shared the story of Cheyenne, a middle age male who resides at Cummings Care Center in Sauk Rapids. His mental health team referred him to the IPS program. Cheyenne applied for VRS in October of 2014 and was found eligible due to several significant mental health disabilities. Cheyenne expressed a desire to gain employment however he was concerned about his spotty work history and how his disability might affect him on the job. He was also concerned about the possible implications of being on probation and participating in individual counseling and Sex Offender Treatment at CORE.

VRS provided vocational guidance and counseling, purchased job seeking and placement services, assisted with transportation costs, provided follow-up services and a benefits analysis. He is currently working part-time as a janitor which was his employment goal and expressed interest. In addition, he is working evenings which is his preferred shift.

Some of the things that helped him work: his employer allowed him extra time to learn the duties of the job, provided him with a list of tasks to be completed that he can refer to it for reassurance, and made sure he had his home phone number so he could call with any questions. His team frequently reinforced his strengths and he learned to use the coping skills he from therapy when he felt overwhelmed. He was also allowed to take a few minutes to go to the bathroom/step away and come back to his work, as needed. Cheyenne's employer reports

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that he "wishes he had more employees like Cheyenne". Cheyenne now calls with questions if he has them and is confident in his ability to do his job. He recently trained a new employee in and was offered the opportunity to increase his hours and go full-time. His therapist reports that Cheyenne has been participating more fully in treatment and his mental health symptoms have improved since he began working.

Since working he has reported that he has been early for work, is maintaining good hygiene, getting out of his room more often and is not as depressed. He has been employed since December 4, 2014 and plans on remaining where he is and states he "loves" his job. He tells us his new goal is to move into a group home and then on to his own apartment.

Advisory Update and Dialogue PART II: The Minnesota Extended Employment (EE) Rule Revision

Chris McVey, VRS Director of Strategic Initiatives and Partnerships introduced John Sherman, DEED Extended Employment Program Director. John delivered the following presentation *"Where is Extended Employment Headed? Looking Down the Road"*. John's presentation was sent out to committee members after the meeting with permission to be shared with colleagues within the CRP community as helpful to promote current understanding and direction. He also provided his contact information as follows:

John Sherman, John.sherman@state.mn.us 651 259 -7349

URL for EE Rulemaking Documents: <http://mn.gov/deed/job-seekers/disabilities/extend-employment/advisory-committee/index.jsp>

John began by with a brief overview of the current Extended Employment (EE) Program:

- Pays for on-going supports
- Supported employment (SE), community employment (CE), center based employment (CBE)
- Outcome Based - providers paid for people working
- Receives \$12.8 M state funding a year – no federal funding
- Current grants \$10M Community Support Funds (CSF) and \$2M CBE
- The program has been around a long time – last significant changes were in 1999
- Supports individuals with significant disabilities - not DTH or waiver
- CRP decisions drive change
- VR policy to grow supported employment (SE)

Next John provided a history of the program including the trend of overall decreasing numbers of EE workers during the period of State Fiscal Year (SFY) 1999 through SFY 2013 and the new entrants by program (CBE, CE and SE) over the same period. Both Center Based Employment and Community Employment figures for new entrants into the programs have

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decreased. Supported Employment entrants have remained fairly steady until a recent slight increase starting in 2013.

After overall program trends, John reviewed the differences between the metro and Greater Minnesota EE trends and outcomes including number of EE workers, wages earned, hours worked and settings. In metro, there is much more emphasis on supported employment and more limited center and community based employment with higher average wages, greater earnings, fewer hours. In greater Minnesota, there is greater use of center and community based employment with more hours, less earnings and lower average wages.

John outlined the major forces creating change in the Extended Employment Program including:

- Federal policy: Workforce Innovation and Opportunity Act (WIOA), Home and Community Based Services (HCBS), Americans with Disabilities Act (ADA), Department of Justice (DOJ) and the Olmstead Decision
- Economy – job market, technology
- Differing expectations from young persons and their families
- First and foremost – the choices of the EE worker
- Resources available for programs to plan changes
- Worker needs in a new economy
- Differing economies in the state
- Restraints on state resources

John provided an overview of the change processes that are coming together to influence the Rule revision process for the Extended Employment Program in addition to the rulemaking itself:

- EE rulemaking process
- Legislative process
- Olmstead change process
- Vocational Rehabilitation (VR) moving to meet Workforce Innovation and Opportunity Act (WIOA) requirements
- Home and Community Based Services (HCBS) changing environment

John outlined some of the major steps specific to the rulemaking process:

1. VRS convened a rulemaking advisory group -- meeting since July 2014
2. Writing rule and Statement of Needs and Reasonableness (SONAR)
3. Publication of rule and public comment
4. Public hearing process before Office of Administrative hearings (OAH)
5. Revision of rules if needed
6. Adoption of Rules
7. Earliest likely effective new rule start would be July 1, 2016

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EE Legislative changes being developed:

- Administrative policy changes introduced and through committees
- Intended to focus rulemaking
- Establishes supported employment and noncompetitive funds
- Defines integrated setting, informed choice, competitive employment and noncompetitive employment
- Identifies competitive employment as primary goal of EE but allows for noncompetitive employment
- Opens up broader range of possible providers
- If passed into law will be effective in summer
- Bill numbers SF 1533; HF 1702

Likely changes that will be incorporated into the EE Rule:

- Cap and reduce funding for noncompetitive employment
- All unused dollars resources would go to supported employment
- Likely a phased out end to center based employment funding as currently understood
- Would allow for competitive employment on CRP owned premises
- Would continue some noncompetitive employment in community (crew/enclaves)

Schedule for the EE rulemaking process:

1. Earliest start would be July 1, 2016 – depending on rule process
2. Gradual phase-in of changes – probably five years for current Center Based Employment (CBE)
3. Community Employment (CE) reduction would be slower

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Vocational Rehabilitation Community Topics

❖ CRP updates:

- Amanda Jensen-Stahl
 - **Goodwill Easter Seals** is Working Well Mental Health clinic is growing in St Cloud. Hired a psychiatrist on staff in St Paul. We are launching telehealth services and thanks to the new technology capabilities we are able to see clients in St Cloud via telehealth. This service option is already benefitting our IPS teams.
 - Our Education, Training, and Employment programs recently received a visit in March from NCA CASI for accreditation. The process differs from CARF – the focus is on academic content and the techniques/processes that instructors are using in the classroom. They identified 15 powerful practices, which is unusually high!
- Josh Howie
 - **Trillium Works** was pleased to take part in their most recent “Mentor Day” on March 16th at Fond du Lac Tribal and Community College. 225 Students from the 12 Northern Lights School Districts plus Duluth attended. The geographic area covered runs from Silver Bay to Moose Lake and covers over 100 miles.
 - April 1st- The Northland Job Fair is around the corner. Our 6th annual Job Fair and it just keeps growing every year with ~120 employers signed up for this year.
- Heather Deutschlaender -
 - **ProAct Inc.** is preparing for a CARF monitoring visit in April which will coincide with MRA this year.
- Lynn Vincent
 - **Courage Kenny Rehabilitation Institute** is looking at plans for raising awareness of October as National Employment Disability Month. She invited other CRPs and VRS members who are interested in partnering to contact her for collaboration.

❖ DEED/VRS updates:

- Jan Thompson, VRS Field Director
 - Statewide Caseload Data from *10/01/2014 to 03/27/2015*:
 - Open caseload: We are currently working with 12,381 persons with disabilities. There are 216 people are on the waiting list due to funding constraints and closed service categories.
 - Employment Outcomes: Last year this time we had 1,686 outcomes. This year we are excited about being at 1,701 outcomes at the same point in the year.
 - Average hourly wage is \$11.36/hr.
 - VRS RAM position retirements: Eric Wittbrodt has been selected to succeed Steve Jacobs' RAM position. Steve is retiring in April.

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Important Messages for the Greater Vocational Rehabilitation Community:

- In anticipation of 2015, the CRP Advisory Committee is committed to continuing the important and strategic work on the policies and program topics that impact employment services for individuals with disabilities in Minnesota. We believe some of the primary forces for change on our system this year will include the Olmstead Plan, Informed Choice, The Minnesota Employment First Policy, the Extended Employment Rule revision and the new federal Workforce Innovation and Opportunity Act (WIOA). These drivers will impact not only the work of VRS and CRPs/LUVs but also key system partners including counties, schools and other impacted state agencies such as the Department of Human Services and the Department of Education.
- VRS in its role as convener of Minnesota's vocational rehabilitation community is committed to sharing what we know as we continue to learn more and working with our system partners to figure out how we can make the transformations necessary to meet the combined requirements of key legislation affecting the employment services work we all do on behalf of Minnesotans with disabilities.
- We know that many people and organizations are understandably nervous and/or fearful about what the changes might mean for them. Through our work together and as individuals committed to Minnesota's vocational rehabilitation community, we seek to help reduce any fear and misinformation generated as part of the transition being spurred by the numerous, concurrent policy and regulatory requirements impacting our communities. We renew our belief in benefit of engaging in an ongoing process of open, thoughtful conversations to work through all the legislation and help build a path to the future.